

REMARKS/ARGUMENTS

The Remarks/Arguments that follow are identical to those filed on December 22, 2003, except for the fee authorization statement at the end.

All claims have been amended. Dependent claim 20 is new. No claim has been cancelled.

Main claim 1 has been broadened by deletion of the bracketed language relating to the support bracket, and by specifying "a seated individual supported by the support structure" instead of "seated on". Main claim 1 has been further defined by insertion of "nonplanar" with support in claim 5, by specifying a support bracket "comprising a generally U-shaped portion for supporting" with support at page 6, lines 20-21, by further defining positioning of the support bracket with support at page 9, lines 25-26, by defining the support bracket ends as oppositely extending with support in the drawing, and by defining that the ends extend sufficiently for the specified positioning to be convenient "for collection of a stool specimen" with support at page 4, lines 11-15. Certain of these changes have also been made to main claim 16 and dependent claim 12; and in addition, claim 16 specifies the apparatus in combination with a support structure, wherein the support bracket is supported by the support structure, and that the seat overhangs the support structure (with support in Figure 2 of the drawing).

Dependent claim 2 has been broadened by deletion of "ends are", and also by replacement of "provides for" with "assists". Dependent claim 17 has been similarly broadened.

Dependent claim 3 now specifies that the receptacle has "an elongated catch shape" with support at page 5, line 14, that the "generally U-shaped portion" of the support bracket is provided with the aperture, with support in the drawing, and that the receptacle boss is rotatable within the aperture "for adjustability of the catch position of the receptacle" with support at page 5, lines 14-15. Certain of these changes have also been made to main claims 6 and 18, and certain of this

subject matter is found in newly added claim 20.

Dependent claims 5, 8 and 13 now specify that the generally U-shaped portion of the support bracket, when the support bracket is supported by the support structure, comprises a generally horizontal area and that the receptacle is supported by the generally horizontal area, with support at page 6, lines 19-27.

Dependent claim 9 now specifies that the elongated catch shape is a horizontally elongated catch shape when the receptacle is in supported engagement with the bracket, with support in Fig. 2, for instance. Dependent claim 10 now specifies a generally elliptical elongated catch shape, with support at page 6, line 2.

Dependent claim 11 has been amended by insertion of subject matter from claim 14.

In Paragraphs Nos. 2, 3 and 4, claims 6 to 8 are rejected under 35 USC 102(b) as being anticipated by Van Duyne, by Kroeger, and by Bertelson, respectively. These rejections are traversed, and furthermore are all clearly overcome by insertion of the subject matter of non-rejected dependent claim 9 into main claim 6.

Furthermore, claim 6 is further amended to specify that the receptacle has an elongated catch shape, and includes a boss that is rotatable within the bracket aperture for adjustability of the catch position of the receptacle. By comparison, none of this prior art discloses or suggests this advantage of the present invention. For instance, there is no rotatability of receptacle 17 of Bertelson, which does have an elongated catch shape.

In view of the foregoing, claim 6 is believed to be clearly patentable over any of this prior art. Accordingly, withdrawal of these rejections is believed to be in order and herewith requested.

In Paragraph No. 5, claims 1-13 and 15-19 are rejected under 35 USC 102(e) as anticipated by Stingley. This rejection

is respectfully traversed, and furthermore is clearly overcome as now explained.

With respect to main claims 1 and 16, Stingley's support structure (110,120) is clamped in use. See col. 2, lines 55-57, of Stingley. Thus, assuming arguendo that forward or rearward positioning of support structure (110,120) when supported is possible, support structure (110,120) cannot be positioned forwardly or rearwardly by a seated individual on the toilet bowl seat. This inventive advantage allows the receptacle to be out of the way of a urine stream until urination is in progress, and then moved into position to collect a midstream urine sample (see page 10, line 31 to page 11, line 1). Furthermore, it is noted that the Examiner's comments make no claim that ends (110) extend sufficiently for positioning of support structure (110,120); whereas claims 1 and 16 specify that the bracket ends extend sufficiently beyond the support structure for the positioning to be convenient for collection of a stool specimen in the receptacle, it being of course recognized that these claims are in no way limited to collecting a stool specimen. Also attention is invited to dependent claims 2 and 17. In view of the foregoing, main claims 1 and 16 are believed to be clearly patentable over Stingley. Accordingly, withdrawal of this rejection against main claims 1 and 16 is believed to be in order and herewith requested.

With respect to dependent claim 3, main claim 6, main claim 18, and new dependent claim 20 (dependent on main claim 16), cup (300) of Stingley lacks an elongated catch shape, and the claimed receptacle advantageously includes a boss that is rotatable within the bracket aperture for adjustability of the catch position of the receptacle (claims 3 and 6), or the claimed receptacle advantageously is rotatably mounted with respect to the support bracket or a portion of the receptacle rotatably projects through the support bracket for adjustability of the catch position of the receptacle (main claim 18 and dependent claim 20). Thus, dependent claim 3 is believed to be further

patentable over Stingley, and main claims 6 and 18 are believed to be patentable over Stingley. Furthermore, as will be understood, dependent claim 20 is believed to be further patentable over Stingley. Accordingly, withdrawal of this rejection against dependent claim 3 and main claims 6 and 18 is believed to be in order and herewith requested.

With respect to dependent claims 4 and 7, Stingley lacks the claimed combination of a receptacle and a collection cup, and furthermore these claims cover a receptacle that includes a boss that corresponds to a cavity for receiving a portion of the cup. Specifically, according to the Examiner's comments, features (110,120) of Stingley constitute a generally U-shaped support structure (see main claims 1 and 6, on which claims 4 and 7 are respectively dependent, in this respect); and cup (300) is applicant's claimed receptacle. By comparison, claims 4 and 7 further specify a collection cup (shown in Fig. 4). No basis is seen in Stingley, as argued by the Examiner, for the advantageous combination of a receptacle and a collection cup. Thus, dependent claims 4 and 7 are believed to be further patentable over Stingley. Accordingly, withdrawal of this rejection against dependent claims 4 and 7 is believed to be in order and herewith requested.

With respect to main claim 11, main claim 11 specifies the advantageous combination of a receptacle comprising a boss that snugly fits, but is rotatable within the support bracket aperture, a collection cup, and a boss that corresponds to a cavity for receiving a portion of the cup. If bag element (120) is taken as the claimed receptacle, it is evident that bag element (120), which is mounted by attachment to element (110), is not rotatable within element (110). Furthermore, bag element (120) lacks the claimed boss. On the other hand, if cup (300) is taken as the claimed receptacle, no basis is seen in Stingley for a further collection cup. Thus, main claim 11 is believed to be patentable over Stingley. Accordingly, withdrawal of this rejection against main claim 11 is believed to be in order and

herewith requested.

With respect to patentability of dependent claim 12, attention is invited to the discussion with respect to claim 1. Based thereon, dependent claim 12 is believed to be further patentable over Stingley.

In Paragraph No. 7, claim 14 is rejected under 35 USC 103(a) as being unpatentable over Stingley. This rejection is respectfully traversed, and attention is invited to the foregoing comments concerning claim 11, which now specifies the cup.


The other art cited by the Examiner has been reviewed, and the following comments are provided. Bressler et al includes a plurality of mount strips 33, one of which (see Figs. 1 and 2) restrains rearward positioning of the collection apparatus. Also, according to col. 3, lines 30-33, the seat overlies the support strips for retaining them against accidental displacement and for maintaining the body 13 centrally of the toilet bowl. Dale discloses at col. 2, lines 42-44, that a rigid reusable member can be employed to rest on the toilet bowl edges and carry the collector on a central depressed portion; however, referring to Figs. 3 and 4 of Dale, the support structure ends do not extend beyond the support structure, and no disclosure is seen in Dale of positioning of the support structure by a seated individual supported by the support structure.

Also attention is drawn to a telephone conference of December 10 with the Examiner by which the undersigned pointed out that the Examiner's initials were missing next to Reference AR on applicants PTO-1449, and faxed to the Examiner on that date a courtesy copy of Reference AR and requested that the omission be corrected.

In view of the foregoing it is believed that all claims are patentable, and it is requested that a Notice of Allowance be issued. The Examiner is invited to telephone the undersigned at the below-listed number, if needed. Furthermore, should any fee be necessary to complete this Response, the Commissioner is

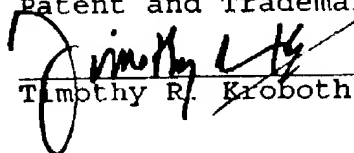
hereby authorized to charge any such fee to Account No. 11-1830,  
and should an extension of time be necessary, the same is hereby  
requested.

Respectfully submitted,

  
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted to the U.S.  
Patent and Trademark Office (571-273-1027) on January 22, 2004.

  
Timothy R. Kroboth

Date: January 22, 2004